

REMARKS

Claims 1-14, 16-18 and 20-25 are pending in the above application. By the above amendment, claims 23-25 have been added.

The Office Action dated June 21, 2006, has been received and carefully reviewed. In that Office Action, claims 1-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Onishi, U.S. 2001/0053074, and claims 16-18 and 20-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi, 6,425,675, which is the patent that issued from the above Onishi publication. It is believed that all claims patentably distinguish over the art of record, and reconsideration and allowance of claims 1-25 is respectfully requested in view of the following remarks.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 1 requires a surface radiation conversion element that includes, *inter alia*, an element body having, in the inside of the element body, a plurality of closed spaces. The Office Action interprets element 4 of Onishi as corresponding to the claimed element body. However, neither element 3 of Onishi nor element 4 of Onishi includes spaces inside the element body - both elements 3 and 4 appear to be solid. It appears from the annotated drawing figures copied from Onishi on page 3 of the Office Action that the passages between Onishi's light guide 3 and light output plate 4 and between adjacent projections 7 are the "spaces" being referred to in the Office Action. Therefore, neither element 3 nor element 4 of Onishi includes spaces inside as required by claim 1.

In addition, the above-mentioned passages are not closed as required by claim 1; Figure 1 of Onishi, for example, shows that these passages are open on both ends. The Office Action states that these open passages are "closed spaces" because "closed" allegedly means "having little or no space between elements or parts; tight and compact." No source for this definition was identified.

It is respectfully submitted that the definition used in the Office Action is not a definition of "closed" (as in "not open") but rather a definition of "close" (as in "nearby"). See, for example, definition 4 of "close" from the American Heritage Dictionary of the English Language, found at www.bartleby.com, a copy of which is submitted herewith. Also enclosed is

a copy of the definition of “closed” from the same dictionary which does not have the meaning ascribed to it in the Office Action. Claim 1 does not require that two elements be “close,” but rather that claimed spaces be “closed.” Passageways that are open at one or both ends are not closed, but instead, are open. For these reasons, it is respectfully submitted that open-ended passageways are in no manner “closed spaces” as required by claim 1.

The Office Action argues that claims must be given their broadest reasonable interpretation. As provided by MPEP 2111, however, “the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” It is respectfully submitted that one skilled in the art, presented with the Onishi reference, would not interpret Onishi’s open passages as closed spaces. Onishi does not show or suggest closed spaces as required by claim 1, and claim 1 is submitted to be allowable over this reference for at least this reason. Reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-7 and 23 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1. Claim 23 further distinguishes over Ohnishi by reciting a second member having a planar surface having a plurality of openings wherein the second member planar surface is in face contact with the first member to close the spaces in the second member. Ohnishi does not show a second member having a planar surface having openings as recited in claim 23 or openings that are closed by a first member. Claim 23 is submitted to further distinguish over Ohnishi for this reason.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi. Claim 8, like claim 1, requires a plurality of closed spaces inside an element body. Claim 8 is therefore submitted to be allowable over Onishi for at least the same reasons as claim 1. Claims 9-14 and 24 depend from claim 8 and are submitted to be allowable for at least the same reasons as claim 8.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi. The Office Action states that Onishi does not show a method of use of a particular structure. Claim 16, however, does not claim a method of using a structure. Claim 20 requires a method of producing a surface radiation conversion element that positively recites several process steps.

Onishi does not show providing a first member and a second member, one of which has recesses and connecting the first member to the second member to close the recesses. As argued above in connection with claim 1, no closed recesses are shown or suggested by Onishi, and a method that produces closed spaces is also not shown. Claim 20 is submitted to be allowable over Onishi for at least this reason.

Claims 21, 22 and 16-18 depend from claim 20 and are submitted to be allowable for at least the same reasons as claim 20.

Claim 21 further distinguishes over Onishi by requiring a step of filling recesses with a solid material. The Office Action indicates that Onishi's passages are filled with air. Air is not a solid material. Claim 21 further distinguishes over Onishi for at least this reason.

New claim 25 is also submitted to be allowable over Ohnishi. Claim 25 recites a surface radiation conversion element that includes an element body comprising first and second members. The second member has a planar face having openings with generally flat bottoms. The second member planar face is connected to the first member to close the openings in the second member. The electrical permittivity of the closed spaces is less than that of the material constituting the element body. Ohnishi does not show or suggest a second member having openings that are closed by a first member as recited in claim 25, and claim 25 is submitted to be allowable over Ohnishi for at least this reason.

CONCLUSION

Each issue raised in the Office Action dated June 21, 2006, has been addressed, and it is believed that all pending claims are in condition for allowance. Wherefore, reconsideration and allowance of claims 1-14, 16-18 and 20-22 and examination and allowance of new claims 23-25 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

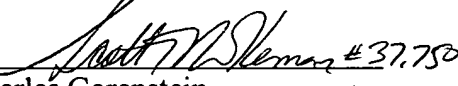
Application No. 10/787,188
Amendment dated March 19, 2007
Reply to Office Action of June 21, 2006

Docket No.: 4699-0103P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: March 19, 2007

Respectfully submitted,

By  #37,780
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant